IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 13834 of 2004

Between:

Andhra Roller Flour Mill, Registered Partnership Firm,

9-4-80, Nanal Nagar, Hyderabad, rep by Partner,
Sri Manoharlal Gupta S/o Late Prahlad Raiji Gupta,

R/o 12-2-715/2, Nanalnagar, Hyderabad

..... PETITIONER

AND

1 The Senior Regional Manager, Punjab National Bank,

Regional Office, Sayeed Plaza, Saifabad, Hyderabad
2 The Branch Manager, Punjab National Bank,

2nd Lancer Branch, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, or order or direction particularly in the nature of Writ of mandamus declaring the action of the respondents in not putting the money accumulated in A/c. No. 462 in R2 branch in FDRs and not releasing the pay orders to statutory bodies as per the instructions raised by the deponent as was done prior to Aprial'04 as unconstitutional and consequently direct the bank to put the money in FDR and pay the amounts to statutory bodies.

Counsel for the Petitioner:MR.K.S.MURTHY
Counsel for the Respondents:MS. T.BALARANI, Standing Counsel

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner. None appears for the respondents.

The learned counsel for the petitioner-firm by placing reliance on the Apex Court judgment in **ABL INTERNATIONAL LIMITED v. EXPORT CREDIT GUARANTEE CORPORATION OF INDIA LIMITED,** submits that as per the instructions made by the petitioner-firm, the respondent-bank earlier honoured the cheques in order to make payments to the various statutory authorities as per the demand made by them but now, at the instance of one of the partners of the petitioner-firm writing a letter to the bank, the respondent-bank is not providing such facilities and not honouring the obligation undertaken by it for payment to statutory bodies in spite of keeping sufficient amount in account.

If that be the case, proper remedy for the petitioner-firm is either to sue against the bank for the loss if any, suffered under the terms and conditions of the agreement entered by the petitioner at the time of opening the account or to approach the Banking Ombudsman for the deficiencies of the service, if any, rendered by the bank. The facts of the case, on which reliance placed by the petitioner for entertaining the writ petition, are totally different to the facts of the present case. The operation of the bank account, as such, will not give rise to cause in the public law remedy for invoking the jurisdiction under Article 226 of the Constitution of India.

In view of the same, I see no reason to entertain the writ petition.

The writ petition is accordingly dismissed. No costs.

27th AUGUST, 2004.

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